

111TH CONGRESS  
1ST SESSION

# H. R. 2172

To promote secure ferry transportation and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 29, 2009

Mr. LARSEN of Washington (for himself, Mr. DICKS, Mr. MCMAHON, Mr. YOUNG of Alaska, Mr. SIRES, Mr. INSLEE, Mr. KAGEN, Mr. PASCRELL, Mr. DELAHUNT, Mr. ISRAEL, Mr. BUTTERFIELD, Mr. JONES, Mr. COURTNEY, Mr. TAYLOR, Ms. PINGREE of Maine, Mr. SMITH of Washington, Mr. MCINTYRE, Mr. REICHERT, and Mr. McDERMOTT) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

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## A BILL

To promote secure ferry transportation and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “United States Ferry  
5 Systems Investment Act of 2009”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Ferries are a vital part of the United States  
2       transportation system, carrying more than  
3       100,000,000 passengers annually in at least 38  
4       States.

5           (2) In many congested metropolitan areas, fer-  
6       ries are one of the few remaining options for signifi-  
7       cant transportation capacity expansion.

8           (3) Ferries are the sole or primary transpor-  
9       tation connection for many island and isolated com-  
10      munities.

11          (4) Ferries provide a critical emergency evacu-  
12      ation alternative for both large cities and remote lo-  
13      cations.

14          (5) Ferries can be part of an interim solution  
15      when transportation infrastructure fails, for example  
16      after the terrorist attacks in New York on Sep-  
17      tember 11, 2001, disrupted train service and after  
18      part of the San Francisco Bay Bridge collapsed in  
19      the Loma Prieta earthquake, ferries were used to  
20      provide interim transportation.

21          (6) Ferries offer a relatively energy-efficient,  
22      environmentally friendly, and low-stress mode of  
23      travel.

24          (7) Almost all of the largest and important  
25      ferry services are publicly owned or provide trans-

1 portation at public terminals, are integrated with  
2 other transportation modes, and are operated in a  
3 manner to serve the public interest.

4 (8) According to the Secretary of Transpor-  
5 tation, almost 25 percent of United States ferries  
6 are 40 years or older and 5 percent of United States  
7 ferries are 60 years or older.

8 (9) Federal investment in the United States  
9 ferry system is necessary because—

10 (A) of the unique and important role fer-  
11 ries play in the United States transportation  
12 system;

13 (B) of the large and growing need for new  
14 and replacement ferry vessels and terminals;  
15 and

16 (C) ferries do not fit neatly into other Fed-  
17 eral mode-specific transportation programs.

18 (10) The distribution of Federal ferry funds by  
19 formula is appropriate because that method of dis-  
20 tribution would dedicate funding to the largest and  
21 most important public ferry systems.

22 (11) The distribution of Federal ferry funds by  
23 discretionary awards is also appropriate because that  
24 method of distribution would help initiate and ex-  
25 pand ferry services throughout the United States.

1 **SEC. 3. SECRETARY DEFINED.**

2 In this Act, the term “Secretary” means the Sec-  
3 retary of Transportation.

4 **SEC. 4. CONSTRUCTION OF FERRY BOATS AND FERRY TER-**  
5 **MINAL FACILITIES.**

6 Section 147 of title 23, United States Code, is  
7 amended by striking subsections (c), (d), and (e) and in-  
8 serting the following:

9 “(c) DISTRIBUTION OF FUNDS.—The funds made  
10 available to carry out this section in each fiscal year shall  
11 be allocated to those ferry systems and public entities re-  
12 sponsible for developing ferries as follows:

13 “(1) Fifty percent of such funds shall be allo-  
14 cated at the discretion of the Secretary.

15 “(2) Fifty percent of such funds shall be allo-  
16 cated in accordance with the formula set out in sub-  
17 section (d).

18 “(d) FORMULA.—The funds referred to in subsection  
19 (c)(2) shall be distributed as follows:

20 “(1) Fifty percent shall be based on the total  
21 annual number of passengers carried by a ferry sys-  
22 tem.

23 “(2) Twenty-five percent shall be based on the  
24 total annual number of vehicles carried by a ferry  
25 system.

1           “(3) Twenty-five percent shall be based on the  
2           total route miles serviced by a ferry system.

3           “(e) FUNDING.—

4           “(1) IN GENERAL.—There shall be available to  
5           the Secretary from the Highway Trust Fund (other  
6           than the Mass Transit Account) \$200,000,000 for  
7           each of the fiscal years 2010, 2011, 2012, 2013,  
8           2014, and 2015 to carry out this section.

9           “(2) PERIOD OF AVAILABILITY.—Notwith-  
10          standing section 118(b), funds made available to  
11          carry out this section shall remain available until ex-  
12          pended.”.

13 **SEC. 5. ELIGIBILITY OF FERRIES FOR THE CLEAN FUELS**  
14 **GRANT PROGRAM.**

15          Section 5308 of title 49, United States Code, is  
16          amended—

17               (1) in paragraph (2) of subsection (a)—

18                       (A) in clause (i), by striking the semicolon  
19                       and inserting a comma and “or ferries;”; and

20                       (B) in clause (iii), by striking the semi-  
21                       colon and inserting “or ferries;”; and

22               (2) in subsection (c)—

23                       (A) in the heading, by striking the period  
24                       and inserting “AND FERRIES.”; and

1 (B) by striking the period at the end and  
2 inserting “or ferries.”.

3 **SEC. 6. FERRY JOINT PROGRAM OFFICE.**

4 (a) ESTABLISHMENT AND PURPOSE.—

5 (1) ESTABLISHMENT.—The Secretary shall es-  
6 tablish within the Department of Transportation a  
7 Ferry Joint Program Office (in this section, referred  
8 to as the “Office”) for the purposes described in  
9 paragraph (2).

10 (2) PURPOSES.—The purposes of the Office  
11 shall be—

12 (A) to coordinate Federal programs affect-  
13 ing ferry and ferry facility construction, mainte-  
14 nance, operations, and security; and

15 (B) to promote transportation by ferry as  
16 a component of the United States transpor-  
17 tation system.

18 (b) FUNCTIONS.—The head of the Office shall carry  
19 out the following functions:

20 (1) Coordinating programs related to ferry  
21 transportation carried out by the Department of  
22 Transportation, including programs carried out by  
23 the Federal Highway Administration, the Federal  
24 Transit Administration, the Maritime Administra-  
25 tion, and the Research and Innovative Technology

1 Administration, and such programs carried out by  
2 the Department of Homeland Security and other  
3 Federal and State agencies, as appropriate.

4 (2) Ensuring resource accountability for pro-  
5 grams carried out by the Secretary related to ferry  
6 transportation.

7 (3) Providing strategic leadership for research,  
8 development, testing, and deployment of technologies  
9 related to ferry transportation.

10 (4) Promoting ferry transportation as a means  
11 to reduce social, economic, and environmental costs  
12 associated with traffic congestion.

13 (5) Developing energy efficient operating mod-  
14 els to reduce carbon emissions associated with ferry  
15 transportation.

16 **SEC. 7. NATIONAL FERRY DATABASE.**

17 Subsection (e) of section 1801 of the Safe, Account-  
18 able, Flexible, Efficient Transportation Equity Act: A  
19 Legacy for Users (Public Law 109–59; 23 U.S.C. 129  
20 note) is amended—

21 (1) in paragraph (2), by inserting “, including  
22 any Federal, State, or local government funding  
23 sources,” after “sources”; and

24 (2) in paragraph (4)—

1 (A) in subparagraph (B), by striking  
2 “and” at the end;

3 (B) by redesignating subparagraph (C) as  
4 subparagraph (D);

5 (C) by inserting after subparagraph (B),  
6 the following:

7 “(C) ensure that the database is consistent  
8 with the national transit database maintained  
9 by the Federal Transit Administration”; and

10 (D) in subparagraph (D), as redesignated  
11 by subparagraph (B), by striking “2009” and  
12 inserting “2015”.

13 **SEC. 8. NATIONAL FERRY TRANSPORTATION INSTITUTE.**

14 (a) ESTABLISHMENT.—Not later than 1 year after  
15 the date of enactment of this Act, the Secretary shall  
16 award a grant to a college to establish a National Ferry  
17 Transportation Institute (in this section, referred to as an  
18 “Institute”) at the college.

19 (b) ADMINISTRATION.—The Secretary shall award  
20 and administer the grant under subsection (a) in coopera-  
21 tion with the heads of appropriate entities of the Depart-  
22 ment of Transportation and of the appropriate State  
23 transportation department, public ferry transportation au-  
24 thorities, private ferry operators, ferry builders, ferry



1 transportation employees, and other colleges, universities,  
2 and research institutes.

3 (c) FUNCTIONS.—The Institute—

4 (1) shall—

5 (A) conduct research and recommend de-  
6 velopment activities on methods of improving  
7 ferry transportation programs in the United  
8 States, including methods of reducing wake,  
9 providing alternative propulsion, integrating use  
10 of clean, renewable fuels, and testing advanced  
11 materials for use in ferry construction;

12 (B) develop and conduct training programs  
13 for ferry transportation system employees,  
14 United States Government employees, and  
15 other individuals, as appropriate, on develop-  
16 ments, techniques, and procedures pertaining to  
17 the construction and operation of ferries;

18 (C) encourage and assist collaborative ef-  
19 forts by public and private entities to preserve,  
20 improve, and expand the use of ferries as a  
21 mode of transportation;

22 (D) preserve, utilize, and display historical  
23 information about the use of ferry transpor-  
24 tation in the United States and in foreign coun-  
25 tries; and

1 (E) develop models and recommendations  
2 to enhance security on ferries and in and  
3 around ferry facilities; and

4 (2) may provide funds from a grant under sub-  
5 section (a) to a contractor or other entity to assist  
6 the Institute in carrying out the functions described  
7 in subparagraphs (A) through (E) of paragraph (1).

8 (d) SELECTION CRITERIA.—The Secretary shall  
9 award the grant under subsection (a) on the basis of the  
10 following criteria:

11 (1) The extent to which the needs of the State  
12 in which the applicant is located are representative  
13 of the importance of public and private ferries to the  
14 region's transportation system, including both re-  
15 gional travel and long-range travel and service to  
16 isolated communities.

17 (2) The historical importance of ferry transpor-  
18 tation to the region in which the applicant is located.

19 (3) The history and diversity of such region in  
20 the maritime community, including ferry construc-  
21 tion and repair and other shipbuilding activities.

22 (4) The anticipated growth of ferry transpor-  
23 tation and the building of ferries in such region.

24 (5) The availability of public-private collabora-  
25 tion in such region.

1           (6) The demonstrated research and extension  
2       resources available to the applicant to successfully  
3       carry out the functions described in subsection (c).

4       (e) REQUIREMENT FOR NON-FEDERAL FUNDING.—  
5       A college may not be awarded the grant under subsection  
6       (a) unless the college is able to provide 25 percent of the  
7       costs associated with establishing, operating, and main-  
8       taining the Institute and the research and development ac-  
9       tivities carried out by the Institute from non-Federal  
10      sources.

11      (f) REPORT.—Not later than 1 year after the date  
12      of enactment of this Act, and annually thereafter, the Sec-  
13      retary shall submit to Congress a report on activities car-  
14      ried out under this section, including a description of the  
15      activities carried out by the Institute.

16      (g) AUTHORIZATION OF APPROPRIATIONS.—There  
17      are authorized to be appropriated to the Secretary  
18      \$5,000,000 for each of fiscal years 2010, 2011, 2012,  
19      2013, 2014, and 2015 to carry out this section.

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